

LOUISIANA BOARD OF ETHICS
MINUTES
January 8, 2021

The Board of Ethics met on January 8, 2021 at 9:08 a.m. in the LaBelle Room on the 1st floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Bruneau, Dittmer, Ellis, Grand, Lavastida, McAnelly, Meinert, Roberts and Smith present. Board Member Colomb arrived at 9:10 a.m. Board Member Couvillon was absent. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Carolyn Abadie Landry; and Counsel Tracy Barker, David Bordelon, LaToya Jordan, and Charles Reeves.

On motion made, seconded and unanimously passed, the Board added Docket No. 20-659 to the agenda.

Mr. Victor Lemane, St. Tammany Recreation District 11, appeared before the Board requesting a waiver in Docket No. 20-659 regarding a \$1500 late fee assessed for filing his amended 2017 Tier 2.1 Annual personal financial disclosure statement 202 days late. Mr. Lemane stated he is a volunteer, non-paid member of the district and he resigned when he moved out of the district from Abita Springs to Covington and he did not recall receiving the NOD. On motion made, seconded and unanimously passed, the Board suspended all of the \$1500 late fee based on future compliance with the reporting requirements under the Code of Governmental Ethics.

Mr. Thomas Schniedau, Attorney for the City of Slidell, appeared before the Board to request of an advisory opinion in Docket No. 20-918 on behalf of employee, Jacqueline Winemiller, as to post-employment restrictions following her retirement from the City of Slidell. On motion made, seconded and unanimously passed, the Board concluded that consistent with Docket No. 20-708 and under the unique circumstances of the privatization of the City's water and

wastewater systems and facilities, Section 1121B of the Code of Governmental Ethics would not prohibit Jacqueline Winemiller from being employed by Inframark, LLC, to render the same services to the City after the end of the lease agreement between the City and Inframark, LLC.

Mr. Luke Abrusley appeared before the Board to request an advisory opinion in Docket No. 20-812 regarding whether the Louisiana Code of Governmental Ethics would prohibit his company, LHA Rentals Oberlin, LLC, from purchasing property and continuing a lease to the Louisiana Department of Children and Family Services after he resigned from the Allen Parish District Attorney's Office. On motion made, seconded and unanimously passed, the Board adopted the proposed advisory opinion with an edit change concluding that the Louisiana Code of Governmental Ethics would not prohibit LHA Rentals Oberlin, LLC from purchasing the building and continuing the lease with the Louisiana Department of Department of Children and Family Services. After Mr. Abrusley resigns from the Allen Parish District Attorney's office, the Louisiana Code of Governmental Ethics does not prohibit the lease with the Louisiana Department of Children and Family Services.

The Board considered a request for an advisory opinion in Docket No. 20-598 submitted by Maghen Shipley Gagnard, regarding whether the Louisiana Code of Governmental Ethics would prohibit Ms. Gagnard from accepting employment with the Office of Juvenile Justice while being employed by SocialWorx, a non-profit organization who has a Memorandum of Understanding with Louisiana Department of Corrections - Office of Reentry Services. On motion made, seconded and unanimously passed, the Board adopted the proposed advisory opinion concluding that the Code of Governmental Ethics would not prohibit Mrs. Gagnard from accepting employment with the Office of Juvenile Justice while maintaining her employment with SocialWorx since Ms. Gagnard's work at SocialWorx is not substantially devoted to the

work she would be performing at the Office of Juvenile Justice and would not violate Section 1111(C)(1)(a) of the Code of Governmental Ethics. Additionally, since SocialWorx does not have a contract or other business relationship with the Office of Juvenile Justice, Mrs. Gagnard's employment with the Office of Juvenile while maintaining employment with SocialWorx would not violate Section 1111(C)(2)(d) of the Code of Governmental Ethics.

The Board considered a request for an advisory opinion in Docket No. 20-808 submitted by Patrick Hobbins, regarding whether the Louisiana Code of Governmental Ethics would prohibit Mr. Hobbins from serving on the Capital Area Groundwater Conservation Commission while he is employed by Placid Refining Company. On motion made, seconded and unanimously passed, the Board adopted the proposed advisory opinion concluding that the Code of Governmental Ethics does not prohibit Mr. Hobbins from serving on the Capital Area Groundwater Conservation Commission. Mr. Hobbins' service on Capital Area Groundwater Conservation Commission would not violate Section 1111(C)(2)(d) of the Code of Governmental Ethics because Mr. Hobbins is not receiving compensation from a company that is regulated by Capital Area Groundwater Conservation Commission or that does business with Capital Area Groundwater Conservation Commission.

The Board considered a request for an advisory opinion in Docket No. 20-844 on behalf of Ouachita Parish Sheriff Jay Russell as to whether the Code of Governmental Ethics would prohibit the Ouachita Parish Sheriff's Office from using Monograms Unlimited for embroidery services. On motion made, seconded and unanimously passed, the Board adopted the proposed advisory opinion with a change noting that his agency is the Sheriff's office and concluding that Section 1113A would prohibit Erin Miller and Monograms Unlimited from contracting with Ouachita Parish Sheriff Office or entering into any transactions to provide compensated services

to the Ouachita Parish Sheriff Office Patrol Division while her husband, Brandon Miller, is employed in the Ouachita Parish Sheriff Office Patrol Division.

The Board considered a request for an advisory opinion in Docket No. 20-884 from Suzonne V. Cowart, Finance Director for the City of Central, regarding providing accounting services to the Central Chamber of Commerce. On motion made, seconded and unanimously passed, the Board concluded that Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit Suzonne Cowart from providing compensated services to the Central Chamber, while the Central Chamber has a contractual, business, or financial relationship with her agency, the City of Central.

Board Member Colombe left the meeting at 10:27 a.m. and did not vote on G7 to G17.

The Board recessed at 10:27 a.m. and returned to order at 10:39 a.m.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the December 3rd and 4th Board meetings.

The Board considered a proposed consent order in Docket No. 14-1202 regarding Robert Allen. Mr. Robert Allen has agreed to a civil penalty of \$5,000 in connection with the signing of a Consent Opinion for a violation of Section 1113 of the Code of Governmental Ethics. On motion made, seconded and unanimously passed, the Board adopted and published the Consent Order and instructed staff to dismiss the charges with the Ethics Adjudicatory Board.

The Board considered a proposed consent order in Docket No. 18-1510 and 19-808 regarding Louisiana High School Correspondence Courses, LLC, transacting business with the Louisiana State University Laboratory School. Elizabeth Rusciano and Frank Rusciano, Jr.

executed a Consent Order on behalf of Louisiana High School Correspondence Courses, LLC and a Confession of Judgment as well as a Payment Schedule relative to a violation of Section 1111C(2)(d) of the Code of Governmental Ethics when Louisiana High School Correspondence Courses, LLC contracted to provide services to students of Louisiana State University Laboratory School. On motion made, seconded and unanimously passed, the Board adopted and published the Consent Order.

The Board considered a disqualification plan in Docket No. 20-872 submitted by the St. Tammany Parish School Board relative to Superintendent Frank Jabbia and his father, Peter J. Jabbia who is employed with the St. Tammany Parish School Board as Associate Superintendent. On motion made, seconded and unanimously passed, the Board approved the Disqualification Plan since it meets the requirements under the Louisiana Code of Ethics.

The Board considered changes to the guidelines used by staff to make recommendations to the Board of Ethics with respect to waiver requests. The proposed Campaign Finance Waiver Guideline changes include standardizing a 20-day limit for all options and amending the guidelines to reflect the 14-day timeframe referenced in Section 1205B of the Rules of Louisiana Board of Ethics. On motion made, seconded and unanimously passed, the Board approved the changes and gave the staff the authority to allow for a payment plan upon request.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously agreed to take action on the requests for “good cause” waivers of late fees assessed against candidates and committees included in the Campaign Finance Waiver Chart en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on the items in the Campaign Finance Waiver Chart, excluding Docket Nos 20-826, 20-854, and 20-860 taking the following action:

The Board unanimously declined to waive the late fees assessed against the following:

Docket No. 20-456 from Sheldon “Mr. Vince” Vincent, 10-G of a \$540 late fee;
Docket No. 20-790 from Jonathan Holloway, Sr., 10P of a \$2,500 late fee;
Docket No. 20-790 from Jonathan Holloway, Sr., SUPP2019 of a \$800 late fee;
Docket No. 20-857 from Michael O’Brien, SUPP2019 of a \$540 late fee;
Docket No. 20-858 from John “Johnny” Lee, Jr., 30-P of a \$700 late fee; and
Docket No. 20-861 from Ernest A. Burguires, III, 10-G of a \$320 late fee.

The Board unanimously reduced to \$600 based on Rule 1205C; declined to waive the late fees assessed against the following:

Docket 20-655 from Fredrick Michael Cramer, 10-G of a \$2,000 late fee.

The Board unanimously reduced to \$400 based on Rule 1205C; declined to waive the late fees assessed against the following:

Docket No. 20-824 from Alonzo “Lonnie” Shupe, 10-G of a \$880 late fee.

The Board unanimously suspended all but \$200 based on future compliance the late fees assessed against the following:

Docket No. 20-825 from Clay Walker, ANN2019 of a \$600 late fee.

The Board unanimously waived in full the late fees assessed against the following:

Docket No. 20-850 from Vaughn Ehrman, 30-P of a \$600 late fee; and,
Docket No. 20-850 from Vaughn Ehrman, 10-P of a \$420 late fee.

The Board unanimously suspended all based on future compliance the late fees assessed against the following:

Docket No. 20-861 from Ernest A. Burguires, III, ANN2019 of a \$1,000 late fee.

On motion made, seconded and unanimously passed, the Board reconsidered Docket No. 20-655.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-655 for a waiver of a 2,000 late fees assessed against Fredrick Michael Cramer, Coroner, East Feliciana Parish, for filing the 10-G campaign finance disclosure report 215 days late. On motion made, seconded and unanimously passed, the Board suspended all conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-826 for a waiver of a \$1,000 late fee assessed against Lawrence Batiste, Councilman, District 4, City of Natchitoches, Natchitoches Parish, for filing the 30-P campaign finance disclosure report 146 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,000 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-854 for a waiver of a \$600 campaign finance late fee assessed against Tammy M. Stewart, Judge, Juvenile Court, Section B, Orleans Parish, for filing the 90-P campaign finance disclosure report 6 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$600 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-860 for a waiver of the \$360 and \$480 late fees assessed against Gregory Cook, City Judge, 1st Parish Court, Division C, City of Baton Rouge, East Baton Rouge Parish, for filing the 30-P and 10-G campaign finance disclosure reports 6 and 8 days late, respectively. On motion made, seconded and unanimously passed, the Board declined to waive the \$360 and \$480 late fees.

The Board unanimously agreed to take action on the requests for “good cause” waivers of late fees assessed against individuals contained in the Personal Financial Disclosure Waiver Chart en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on the items in the Personal Financial Disclosure waiver chart, taking the following action:

The Board unanimously suspended all late fees assessed against the following based on future compliance with the reporting requirements under the Code of Governmental Ethics:

Docket No. 20-664 from Tanya Dix for Tier 3 of a \$1,500 late fee;
Docket No. 20-828 from Noland Marcantel for Tier 2 of a \$2500 late fee;
Docket No. 20-829 from Charles Wilson for Tier 2 of a \$400 late fee;
Docket No. 20-832 from Lance Query for Tier 3 of a \$1,500 late fee; and,
Docket No. 20-836 from Jose Massingue for Tier 3 of a \$1,500 late fee.

The Board unanimously waived the late fee assessed against the following based on future compliance with the reporting requirements under the Code of Governmental Ethics:

Docket No. 20-831 from Ricky Johnson, Sr. for Tier 2 of a \$2,500 late fee.

The Board unanimously declined to waive the late fee assessed against the following:

Docket No. 20-835 from Travis Turner, for Tier 2 of a \$2,500 late fee.

The Board unanimously agreed to take action on the requests for “good cause” waivers of late fees assessed against individuals contained in the School Board Disclosure Statements Waiver Chart en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on the items in the School Board Disclosure Statements Waiver Chart, taking the following action:

The Board unanimously waived the late fees assessed against the following:

Docket No. 20-827 from Milton Simar, (19-20) \$350 late fee;
Docket No. 20-830 from Delo Whalen James Hebert, Jr., (19-20) \$350 late fee; and
Docket No. 20-833 from Willis Garner, (19-20) \$350 late fee.

The Board considered a request in Docket No. 20-834 for a waiver of the \$1500 late fee assessed against Donna Steele, a member of the Washington Parish Hospital Service District 1, for filing her 2019 Hospital Service District Disclosure Statement 69 days late. On motion made, seconded and unanimously passed, the Board waived the \$1500 late fee.

Board Member Dittmer recused himself from consideration of Docket No. 20-543.

The Board reconsidered a request in Docket No. 20-543 where the Board declined to waive a \$640 campaign finance late fee assessed against Chad Bordelon, a candidate for Mayor, City of Mandeville, in the July 11, 2020 election, whose 2019 Annual campaign finance disclosure report was filed 16 days late. On motion made, seconded and unanimously passed, the Board affirmed its prior decision to decline to waive since the request for supporting documentation relating to claimed good cause was requested on September 22, 2020, with a deadline of October 22, 2020, and no such documentation has been received.

The Board discussed changing to the WaterMark Hotel for the rest of the 2021 calendar year for board members who travel to attend the meetings.

On motion made, seconded and unanimously passed, the Board unanimously adjourned at
11:54 a.m.

Secretary

APPROVED:

Chairman